

**House Consumer and Human Resources Committee 1**

**Amendment No. 1 to HB2154**

**Boyd  
Signature of Sponsor**

**AMEND Senate Bill No. 2861**

**House Bill No. 2154\***

by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 50-6-226(d)(1), is amended by deleting the language "may award reasonable attorneys' fees" and substituting the language "may award reasonable attorneys' fees not to exceed fifteen thousand dollars (\$15,000) except as provided in subdivision (d)(3)".

SECTION 2. Tennessee Code Annotated, Section 50-6-226(d), is amended by adding the following as new subdivisions:

(3) In extraordinary cases, attorneys' fees not to exceed thirty thousand dollars (\$30,000) may be awarded pursuant to this subsection (d) if the presiding workers' compensation judge determines, based on clear and convincing evidence, that limiting the attorneys' fees to fifteen thousand dollars (\$15,000) is inequitable in light of the totality of the circumstances and all factors set forth in Rule 1.5 of the Tennessee Rules of Professional Conduct as adopted by Tennessee Supreme Court Rule 8. If the workers' compensation judge awards attorneys' fees exceeding fifteen thousand dollars (\$15,000) pursuant to this subdivision (d)(3), then the workers' compensation judge shall make specific, documented findings of fact in the order that detail the reasons for awarding those attorneys' fees.

(4) The attorneys' fees awarded by the presiding workers' compensation judge pursuant to this subsection (d) must not be charged against or deducted from benefits otherwise due the employee.

SECTION 3. Tennessee Code Annotated, Section 50-6-226(d)(2), is amended by deleting the subdivision and substituting the following:

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(2)

(A) Subdivision (d)(1)(B) applies to injuries that occur on or after July 1, 2016, but does not apply to injuries that occur after June 30, 2020.

(B) Except as provided in subdivision (d)(2)(A), this subsection (d) applies to injuries that occur on or after July 1, 2020, but does not apply to injuries that occur after June 30, 2022.

SECTION 4. This act shall take effect July 1, 2020, the public welfare requiring it, and applies to contracts or agreements entered into on or after that date.